



**Service of Process  
Transmittal**

01/22/2021

CT Log Number 538931972

**TO:** Kim Lundy Service Of Process  
Walmart Inc.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Texas**

**FOR:** Wal-Mart Stores Texas, LLC (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Schmidt Paula, Pltf. vs. Wal-Mart Stores of Texas, LLC., Dft.  
*Name discrepancy noted.*

**DOCUMENT(S) SERVED:** Citation, Petition, Attachment(s)

**COURT/AGENCY:** 10th Judicial District Court Galveston County, TX  
Case # 21CV0087

**NATURE OF ACTION:** Personal Injury - Slip/Trip and Fall - 05/07/2019 - 1701 W Farm to Market 646 Road N, League City, Texas 77573

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Dallas, TX

**DATE AND HOUR OF SERVICE:** By Certified Mail on 01/22/2021 postmarked on 01/20/2021

**JURISDICTION SERVED :** Texas

**APPEARANCE OR ANSWER DUE:** By 10:00 a.m. on the Monday next following the expiration of 20 days from the date you were served (Document(s) may contain additional answer dates)

**ATTORNEY(S) / SENDER(S):** Jordan Glaze  
Glaze and Garrett  
P.O. Box 1599  
Gilmer, TX 75644  
903-843-2323

**ACTION ITEMS:** CT has retained the current log, Retain Date: 01/22/2021, Expected Purge Date: 01/27/2021  
  
Image SOP  
  
Email Notification, Kim Lundy Service Of Process [ctlawsuits@walmartlegal.com](mailto:ctlawsuits@walmartlegal.com)

**REGISTERED AGENT ADDRESS:** C T Corporation System  
1999 Bryan Street  
Suite 900  
Dallas, TX 75201  
877-564-7529  
[MajorAccountTeam2@wolterskluwer.com](mailto:MajorAccountTeam2@wolterskluwer.com)

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other

EXHIBIT A



**Service of Process  
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advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

John D. Kinard, District Clerk  
600 59th Street, Suite 4001  
P.O. Box 17250  
Galveston, TX 77551-2388

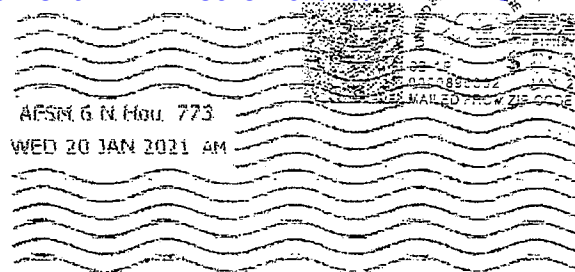
21-cv-0087



9414 7266 9904 2147 6060 90

RETURN RECEIPT REQUESTED

Case 3:21-cv-00002 Document 1-2 Filed on 02/19/21 in TXSD Page 3 of 11



RESTRICTED  
DELIVERY

|||||  
Wal-Mart Stores of Texas, LLC  
Registered Agent C T Corporation System  
1999 Bryan Street Suite 900  
Dallas, TX 75201



## CITATION BY CERTIFIED MAIL (TRC 106)

## THE STATE OF TEXAS

Cause No: 21-CV-0087

10th District Court of Galveston County

PAULA-SCHMIDT VS. WAL-MART STORES OF TEXAS, LLC

TO: Wal-Mart Stores of Texas, LLC

Registered Agent C T Corporation System  
 1999 Bryan Street Suite 900  
 Dallas TX 75201

Defendant Greetings:

**NOTICE TO DEFENDANT: "You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days from the date you were served this citation and petition/motion, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. TRCP. 99"**

You are hereby commanded to appear by filing a written answer to the Plaintiff's Petition at or before 10:00 o'clock A.M. on the Monday next after the expiration of 20 days after the date of service of this citation before the **10th District Court** of Galveston County, at the Courthouse in said County in Galveston, Texas. Said written answer may be filed by mailing same to: District Clerk's Office, 600 59th Street, Suite 4001, Galveston, Texas 77551-2388. Said Plaintiff's **Original Petition - OCA** was filed in said court on the **19th day of January, 2021** in the above entitled cause.

The nature of Plaintiff's demand is fully shown by a true and correct copy of the petition accompany this citation and made a part hereof.

Issued and given under my hand and the seal of the Said Court at Galveston, Texas, on the **20th day of January, 2021**.

Issued at the request of  
 Jordan A Glaze  
 GLAZE/GARRETT  
 PO Box 1599  
 Gilmer TX 75644



John D. Kinard, District Clerk  
 Galveston County, Texas

By:

*Robin Gerhardt*  
 Robin Gerhardt, Deputy

**SEE ATTACHED FORM NOTE: Status Conference set: 04/22/2021**

## CERTIFICATE OF DELIVERY BY CERTIFIED MAIL

Came to hand on the 1/20/2021 at 3:00 o'clock P. M. and executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M., by mailing the same to Wal-Mart Stores of Texas, LLC, Defendant by **registered, certified mail with delivery Restricted to addressee only, return receipt requested**, a true copy of this citation with a copy of the petition were attached thereto.

**JOHN D. KINARD, District Clerk Galveston County, Texas**

Authorized Person

BY: \_\_\_\_\_, Deputy Clerk

Service Fee: \$	
Certified Tracking Mail  No. 9414 7266 9904 2147 8060 90	Place sticker here
Signed for on	Signed By:

Cause No. **21-CV-0087**

PAULA SCHMIDT § IN THE DISTRICT COURT OF  
 V. §  
 § GALVESTON COUNTY, TEXAS  
 §  
 WAL-MART STORES OF TEXAS, § **Galveston County - 10th District Court**  
 LLC. § \_\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**

Plaintiff, PAULA SCHMIDT, hereinafter called "Plaintiff", complaining of Defendant, WAL-MART STORES OF TEXAS, LLC., hereinafter called "Defendant" and for cause of action Plaintiff would respectfully show unto the Court the following:

**DISCOVERY CONTROL PLAN**

Discovery is intended to be conducted under Level 2.

**PARTIES**

Plaintiff is an individual residing in Galveston, Texas.

Defendant, WAL-MART STORES OF TEXAS, LLC, is a foreign limited liability company, doing business in the State of Texas for the purpose of profit and may be served with process and citation by serving its registered agent: **C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201. Service is requested via Certified U.S. Mail, return receipt requested, issued by the Galveston County District Clerk.**

**MISNOMER/ALTER EGO**

In the event any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a "misidentification", "misnomer" and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiff contends that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice.

## **JURISDICTION AND VENUE**

The Court has jurisdiction over the controversy because Plaintiff seeks money damages within the jurisdictional limits of this court. The Court has jurisdiction over the parties because the Defendant is a business entity doing business for profit in Texas.

Venue of this lawsuit is proper in Galveston County, Texas pursuant to TEX. CIV. PRAC. & REM. CODE S 15.002 (a)(1) et. al. in that Galveston County is the location where some or all of the events made the basis of this suit occurred.

The amount of the Plaintiff's damages is substantial and well in excess of the jurisdictional minimums of this Court. Many elements of damage, including pain, suffering and mental anguish in the past and future, past and future physical impairment, and future lost earning capacity, cannot be determined with mathematical precision. Furthermore, the determination of many of these elements of damage is peculiarly within the province of the jury. Plaintiff does not at this time seek any certain amount of damages for any of these particular elements of damage but would instead rely upon the collective wisdom of the jury to determine an amount that would fairly and reasonably compensate her. However, and only because the Defendant demands to know the maximum amount that the Plaintiff could be entitled to, at this time pursuant to Texas Rule of Civil Procedure 47, Plaintiff specifies and pleads to the court only that she is seeking relief over \$250,000 but less than \$1,000,000.

## **FACTS**

On or about May 7, 2019, Plaintiff, came on to Defendant's property located at 1701 W Farm to Market 646 Road N, League City, Texas 77573 as an invitee to procure goods and services offered by Defendant. As the Plaintiff was walking through the store, Plaintiff slipped and fell on a plastic gift card on the floor next to a nearby kiosk. Based upon information and belief, Defendant owned the premises. Defendant maintained control of the premises where the incident occurred.

Accordingly, Plaintiff was an invitee to whom Defendant owed the duty to use ordinary care in making its premises reasonably safe and/or warning the Plaintiff of any

dangerous conditions and/or activities existing upon said premises. Plaintiff's fall discussed above proximately caused the injuries and damages more specifically described herein.

### **NEGLIGENCE/PREMISES LIABILITY**

On the occasion in question, the Defendant, acting through its agents, servants, and/or employees who were at all times acting within the course and scope of their employment committed acts and/or omissions that constituted negligence which proximately caused the incident in question; to wit:

1. In failing to maintain the premises in question in a reasonably safe condition free of hazards to Plaintiff and other invitees entering the premises;
2. In failing to correct the unreasonably dangerous condition which was created by the gift card on the ground of the premises in question;
3. In failing to warn customers, including the Plaintiff, of the dangerous condition of the premises in question;
4. In failing to properly inspect the premises in question to discover the unreasonably dangerous condition in question;
5. In failing to properly train its agents, servants, and/or employees regarding the proper manner in which to make the premises reasonably safe;
6. In failing to implement proper policies, rules, and/or procedures to make its premises reasonably safe;
7. In creating the condition;
8. In failing to enforce proper policies, rules, and/or procedures to make its premises reasonably safe; and
9. In failing to properly warn the public of a defect in the common areas of the property.

Each and all of the above and foregoing acts, both of omission and commission, singularly or in combination with others, constituted negligence which proximately caused the occurrence made the basis of this suit, and the Plaintiff's injuries and damages pled herein.

### DAMAGES

As a proximate cause of the Defendant's negligence, Plaintiff has sustained the following damages:

- (1) Medical, hospital, and pharmaceutical charges and expenses in the past;
- (2) Medical, hospital, and pharmaceutical charges and expenses that, in reasonable medical probability, will be incurred in the future;
- (3) Pain and suffering in the past;
- (4) Pain and suffering that, in reasonable probability, will be suffered in the future;
- (5) Mental anguish suffered in the past;
- (6) Mental anguish that, in reasonable probability, will be suffered in the future;
- (7) Disability and impairment in the past;
- (8) Disability and impairment that, in reasonable probability, will occur in the future;
- (9) The loss and/or reduction of earnings and/or earning capacity sustained by the Plaintiff from the date of the occurrence in question up to the time of trial and will suffer in to the future;
- (10) Physical disfigurement in the past and future; and
- (11) Loss of enjoyment of life in the past and future.

Based on the above enumerated injuries and damages which were caused by the negligent acts and/or omissions of the Defendant, the Plaintiff pleads for actual damages



in an amount that the jury deems reasonable under the circumstances which exceed the minimum jurisdictional limits of the Court.

#### **RULE 194 REQUESTS FOR DISCLOSURE**

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant is hereby requested to disclose, within fifty (50) days of service of this Petition and this request, the information or material described in Rule 194.2(a)-(1).

#### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, the Plaintiff requests that the Defendant be cited to appear and answer herein, and that upon a final hearing hereof, the Plaintiff have judgment against the Defendant for actual damages in an amount the jury deems reasonable under the circumstances which is in excess of the minimum jurisdictional limits of the Court together with pre-judgment interest, post-judgment interest, costs of court, and for such other and further relief to which the Plaintiff may be justly entitled.

Respectfully Submitted,

**GLAZE | GARRETT**

/s/ Jordan Glaze

**Jordan A. Glaze**

Texas Bar No. 24059826

**Josh Garrett**

Texas Bar No. 24067616

**Greg Geddie**

Texas Bar No. 24116419

P.O. Box 1599

Gilmer, Texas 75644

T: 903-843-2323/ F: 888-511-1225

[j.glaze@glazegarrett.com](mailto:j.glaze@glazegarrett.com)

&

**JOHN K. ZAID & ASSOCIATES**

John K. Zaid

State Bar No. 24037764

Joe I. Zaid

State Bar No. 24085675

16951 Feather Craft Lane

Houston, Texas 77058

Telephone: (281) 333-8959

Facsimile: (888) 734-1236

[john@zaidlaw.com](mailto:john@zaidlaw.com)

[joe@zaidlaw.com](mailto:joe@zaidlaw.com)

**ATTORNEYS FOR PLAINTIFF**

This form has been revised due to the data provided on the OCA Civil Case Information Sheet that is required to be filed with every new suit. The OCA Civil Case Information Sheet is available on our website.

## The District Courts of Galveston County, Texas Status Conference Notice

**Please calendar this event**

**All Status Conferences will be set for Thursdays (subject to exceptions for county holidays)**

Court Name	Status Conference Time	Court Phone Number		
10 <sup>th</sup> District Court	@ 9:00 A.M.	409-766-2230	Fax	409-770-5266
56 <sup>th</sup> District Court	@ 9:30 A.M.	409-766-2226	Fax	409-770-5264
122 <sup>nd</sup> District Court	@ 9:30 A.M.	409-766-2275	Fax	409-770-6265
212 <sup>th</sup> District Court	@ 9:00 A.M.	409-766-2266	Fax	409-765-2610
405 <sup>th</sup> District Court	@ 10:00 A.M.	409-765-2688	Fax	409-765-2689

**Date: 04/22/2021 set in the 10th District Court**

<b>Case Number:</b>	<b>21-CV-0087</b>
<b>Case Style: Paula Schmidt vs. Wal-Mart Stores of Texas, LLC</b>	

**Helpful Information:** Please visit our website at <http://www.galvestoncountytexas.gov/dc>

*FAQ*

*Forms*

*Fee Schedules*

*Remote Access to on-line case record searches*

*Contact and Mailing information*

*Passport Services*

*E Filing Information*

*E Juror- online juror registration*

**Notice: If this case is filed as an expedited action pursuant to Rule 169 of the Texas Rules of Civil Procedure, please contact the Court to inform them of the same as soon as possible.**

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***JOHN D. KINARD, District Clerk, Galveston County, Texas***

***District Clerk Personnel proudly serving our customers, community, and supporting the Judiciary***